

## Calendar No. 485

86TH CONGRESS }  
1st Session }

SENATE }

REPORT  
No. 488

### ADJUSTING THE PAY OF CERTAIN EXECUTIVE POSITIONS

JULY 9, 1959.—Ordered to be printed

Mr. JOHNSTON of South Carolina, from the Committee on Post Office  
and Civil Service, submitted the following

### R E P O R T

[To accompany S. 1845]

The Committee on Post Office and Civil Service, to whom was referred the bill (S. 1845) to amend title 35 of the United States Code relating to patents, having considered the same, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

#### AMENDMENTS

The committee amendments provide a new and more appropriate title for the bill and strike out all of the bill after the enacting clause and substitute in lieu thereof a new text which appears in the reported bill in italic type.

#### PURPOSE

The purpose of S. 1845, as reported, is to provide: an increase in the compensation of the examiners-in-chief and the designated examiners-in-chief in the Patent Office in the Department of Commerce who are appointed to or designated to serve as members of the Board of Appeals; increases in the compensation of the three Administrative Assistant Secretaries in the Departments of Agriculture, Labor, and Commerce, respectively, and one Administrative Assistant Attorney General in the Department of Justice; and, an increase from GS-16 to GS-17 of three positions in the Bureau of Prisons.

#### JUSTIFICATION

(a) *Examiners-in-chief and designated examiners-in-chief in the Patent Office*

Presently, the salaries of these positions are fixed in accordance with the Classification Act of 1949, as amended, and are in grade GS-15, \$12,770 to \$13,970. The bill, as amended, would permit the

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fixing of rates of pay at not in excess of the top of grade GS-17 which at the present time is \$16,335.

In the official request for this action which was approved by the Bureau of the Budget, the following table listing the top-level positions in the order of relative importance of their duties and responsibilities was submitted to show the inequity to be corrected:

Commissioner of Patents .....	\$20,000
First Assistant Commissioner .....	17,500
Examiners in chief <sup>1</sup> .....	13,970
Solicitor .....	15,150
Director, Patent Research .....	15,615

<sup>1</sup> To be increased by the bill to not to exceed \$16,335.

The Board of Appeals is comprised of not to exceed 15 examiners in chief, who are appointed by the President, by and with the advice and consent of the Senate. In addition to the regular examiners in chief, a number of designated examiners in chief perform the functions of the Board of Appeals. Both the regular and designated examiners in chief are covered by the bill.

The committee believes that in the interest of equity the adjustment provided by the bill is necessary and proper.

(b) *Administrative Assistant Secretaries*  
*Administrative Assistant Attorney General*

Traditionally, these positions have ranked just below Assistant Secretaries in the matter of pay. When Assistant Secretaries received \$15,000 the pay of these positions was fixed at \$14,000 a part of the time and at \$14,800 the remainder of the time. The Executive Pay Act of 1956 increased the compensation of Assistant Secretaries to \$20,000 but did not adjust the pay of these positions in a manner to maintain the standing relationship between the two categories of positions. This bill would reinstate that relationship by raising the pay of these positions to \$19,000 as compared to \$20,000 for Assistant Secretaries.

Although the position of Administrative Assistant Secretary of Interior is included in the language of the bill, it would have no effect on the salary of this position because Public Law 85-167, section 205, of August 26, 1957, increased the compensation of this position to \$19,000.

(c) *Bureau of Prisons*

The bill would authorize an increase in the compensation of three positions in the Bureau of Prisons from GS-16 to GS-17. The positions are those of the three Assistant Directors of the Bureau of Prisons. The adjustment authorized by the bill is necessary to maintain a proper salary alinement of the top positions within the Bureau.

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CHANGES IN EXISTING LAW

In compliance with subsection 4 of Rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics, existing law in which no change is proposed is shown in roman):

SECTION 202 OF THE CLASSIFICATION ACT OF 1949, AS AMENDED

\* \* \* \* \*

SEC. 202. This Act (except title XII) shall not apply to:

\* \* \* \* \*

(34) *examiners-in-chief and designated examiners-in-chief in the Patent Office in the Department of Commerce.*

SECTION 3 OF TITLE 35, UNITED STATES CODE

§ 3. Officers and employees

A Commissioner of Patents, one first assistant commissioner, two assistant commissioners, and not more than fifteen examiners-in-chief shall be appointed by the President, by and with the advice and consent of the Senate. The assistant commissioners shall perform the duties pertaining to the office of commissioner assigned to them by the Commissioner. The first assistant commissioner, or, in the event of a vacancy in that office, the assistant commissioner senior in date of appointment, shall fill the office of Commissioner during a vacancy in that office until a Commissioner is appointed and takes office. The Secretary of Commerce, upon the nomination of the Commissioner in accordance with law, shall appoint all other officers and employees. *The Secretary of Commerce is authorized to fix the rates of basic compensation of examiners-in-chief and designated examiners-in-chief in the Patent Office, at per annum rates not in excess of the maximum scheduled per annum rate of compensation provided for positions in grade 17 of the General Schedule under the Classification Act of 1949, as amended.*

The Secretary of Commerce may vest in himself the functions of the Patent Office and its officers and employees specified in this title and may from time to time authorize their performance by any other officer or employee.

The annual rate of compensation of the Commissioner shall be \$20,000.

SECTION 505 OF THE CLASSIFICATION ACT OF 1949, AS AMENDED

SEC. 505. \* \* \*

\* \* \* \* \*

(j) *The Attorney General is authorized to place a total of three positions in the Bureau of Prisons in grade 17 of the General Schedule. Such positions shall be in addition to the number of positions authorized to be placed in such grade by subsection (b).*

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